



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/399,902 | 09/21/1999 | TYSON A. SINGER | 99P7816US | 2809 |

7590 10/04/2002

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
186 WOOD AVENUE SOUTH
ISELIN, NJ 08830

EXAMINER

NAJJAR, SALEH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
|----------|--------------|

2154

DATE MAILED: 10/04/2002

2

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/399,902

Applicant(s)

SINGER ET AL.

Examiner

Saleh Najjar

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 September 1999.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Art Unit: 2154

1. This action is responsive to the application filed on September 21, 1999. Claims 1-14 are pending. Claims 1-14 represent an apparatus and method for network auto discovery and configuration.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 2, 4, 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 2, it is unclear where the configuration information is propagated to. In claim 4, the language "to receive updated configuration information to said auto discovery unit" is unclear. In claim 10, it is unclear why the configuration information is collected from telephony devices to be automatically propagate that configuration information back the telephony devices.

5. Claims 1-6, 9-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnamurthy et al., U.S. Patent No. 6,389,464 (referred to hereafter as Krish).

Krish teaches the invention as claimed including a system and method for remotely managing devices using web technology (see abstract).

As to claim 1, Krish teaches a network management system, comprising:
a network; a plurality of telephony devices coupled to said network; and
a server, said server including an auto-discovery unit configured to make a determination of the presence of configurable components associated with said plurality of telephony devices on said network by communicating with said telephony devices, said server further configured to provide a graphical user interface (GUI) based network map of said configurable components, wherein said server is further configured to make a determination of configuration information to others of said configurable components (see figs. 1-29; col. 6-12, Krish discloses web or snmp manager server (auto discovery unit) which allows a user to utilize a browser and remotely manage telephony devices 28).

As to claim 2, Krish teaches the network management system according to Claim 1, said auto discovery unit configured to automatically make said determination of said presence of said configurable components and propagate said configuration information at predetermined intervals (see col. 10-12, Krish discloses that events can be based on timed intervals).

As to claim 3, Krish discloses the network management system according to Claim 2, wherein said auto-discovery unit is accessible from a device on said network (see figs. 1-3; col. 10-12, Krish discloses that the management server is accessible from a remote browser).

As to claim 4, Krish teaches a network management system according to Claim 1, said plurality of telephony devices including responder units, said responder units configured to provide said configuration information to said auto discovery unit and to receive updated configuration information to said auto-discovery unit and to receive updated configuration information from said auto-discovery unit (see figs. 1-3; col. 6-11, Krish teaches that telephony devices 28 include a site server 28 that provides configuration information to the management server).

As to claims 5-6, Krish teaches a network management system according to Claim 4, said responder units comprising HTTP (hypertext transfer protocol) servers, and wherein said responder units comprising cgi-bin like programs. (see col. 6-12).

As to claim 9, Krish teaches network management system according to Claim 2, wherein said graphical user interface comprises a dynamic HTML page (see figs. 1-29; col. 6-12).

Claims 10-14 do not teach or define any new limitations above claims 1-6, 9, and therefore are rejected for similar reasons.

6. Claims 7-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Krish.

Krish teaches the invention substantially as claimed including a system and method for remotely managing devices using web technology (see abstract).

As to claims 7, Krish fails to teach the limitation wherein configuration information is presented in XML format.

However, "Official Notice" is taken that the concept and advantages of utilizing XML format to represent information on the WEB is old and well known in the data processing art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Krish by utilizing the XML format since doing so would provide an extremely simple dialect of SGML suitable for use on the World-Wide Web.

As to claim 8, Krish fails to teach the limitation wherein the GUI comprises a Java applet.

However, "Official Notice" is taken that the concept and advantages of using an applet to in a GUI is old and well known in the data processing art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Krish by utilizing Java applet in the GUI to allow a browser to run a Java program which can be distributed as an attachment in a World-Wide Web document to be executed by the browser.

.7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Method for tracking configuration changes in a network by Steele et al., U.S. Patent No. 6,282,175.
- Remote computer monitoring system by Wookey , U.S. Patent No. 6,023,507.
- Management of networked devices by Day, II et al., U.S. Patent No. 5,968,116.
- Node discovery and monitoring by Bondi, U.S. Patent No. 5,710,885.
- Remote workstation monitoring by Glowny et al., U.S. Patent No. 5,491,791.
- Determining the actual physical topology of a network by Kracht, U.S. Patent No. 6,377,987.
- IP discovery apparatus and method by Nelson et al., U.S. Patent No. 5,835,720.
- Network management system by Henderson et al., U.S. Patent No. 6,058,103.
- Network element management by Pirhonen, U.S. Patent No. 6,269,397.
- Remote monitoring of computer systems by Othmer et al., U.S. Patent No. 6,167,358.
- Network management system by Henderson et al., U.S. Patent No. 6,259,679.
- Network integrity management by Hsieh et al., U.S. Patent No. 6,192,034.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Saleh Najjar whose telephone number is (703) 308-7613. The examiner can normally be reached on Monday-Friday from 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, AN MENG AI, can be reached on (703) 305-9678. The fax phone number for this Group is (703) 308-9052.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-9600. The fax number for the After-Final correspondence/amendment is (703) 746-7238. The fax number for official correspondence/amendment is (703) 746-7239. The fax number for Non-official draft correspondence/amendment is (703) 746-7240.

A handwritten signature in black ink, appearing to read 'Saleh Najjar', with a stylized, cursive script.

Saleh Najjar
Primary Examiner / Art Unit 2154